

S/N 09/997,850

PATENT

#5
DL
11-4-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian P. Brockway et al.

Examiner: Robert L. Nasser

Serial No.: 09/997,850

Group Art Unit: 3736

Filed: November 29, 2001

Docket: 349.033US3

Title: PRESSURE MEASUREMENT DEVICE

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TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Peter C. Maki, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on November 29, 2001. I am making this petition on behalf of Transoma Medical, Inc., the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. §3.73(b)

Your petitioner, Transoma Medical, Inc., certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 09/997,850) and to U.S. Patent Nos. 6,033,366 and 6,379,308, by virtue of the Certificate of Merger issued by the State of Minnesota on April 23, 2003 and filed with the U.S. Patent Office on May 13, 2003 (copy enclosed). Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed by the inventors and filed for all of these applications. The assignment for U.S. Patent No. 6,033,366 was recorded on October 14, 1997 on Reel 8784, Frames 0995 - 0998, with the United States Patent and Trademark Office. The above-identified patent application (Serial No. 09/997,850) is a continuation of U.S. Patent No. 6,379,308, which is a continuation of U.S. Patent No. 6,033,366.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Transoma Medical, Inc., seeking to take the action set forth in this disclaimer.

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Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U.S. Patent No. 6,033,366. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,033,366 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,033,366 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

TERMINAL DISCLAIMER

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Fee Status

A check in the amount of \$55.00, which is required under 37 C.F.R. §1.20(d) to file a statutory disclaimer, is enclosed herewith. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

BRIAN P. BROCKWAY ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 359-3267

Date 10/24/03 By Peter C. Maki
Peter C. Maki
Reg. No. 42,832

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of October, 2003.

Paula Suchy
Name

Paula Suchy
Signature

State of Minnesota

SECRETARY OF STATE

COPY

CERTIFICATE OF MERGER

I, Mary Kiffmeyer, Secretary of State of Minnesota, keeper of the Great Seal of the State and custodian of the documents pertaining to businesses governed by the laws of this State, do hereby certify that: the entities listed below have merged under the provisions of Minnesota law and have designated the surviving entity listed below. I further certify that the merger documents indicate the name change shown below and were filed on and are effective on the dates listed below. I further certify that the ability of the non-surviving participating entities to do business ceased as of the effective date of the merger.

PARTICIPATING ENTITIES:

TRANSOMA MEDICAL, INC.

DATA SCIENCES INTERNATIONAL, INC.

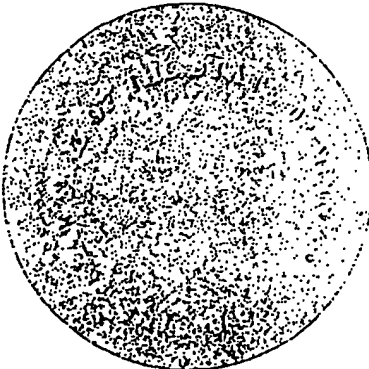
SURVIVING ENTITY: DATA SCIENCES INTERNATIONAL, INC.

FILING DATE: 4/23/2003

NAME CHANGE: TRANSOMA MEDICAL, INC.

EFFECTIVE DATE: 4/23/2003

This certificate has been issued on: 4/23/2003



Mary Kiffmeyer
Secretary of State.

APR-23-2003 11:19
APR-23-2003 11:12

DORSEY & WHITNEY LLP
DATA SCIENCES INTL

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ARTICLES OF MERGER
OF
TRANSOMA MEDICAL, INC.
INTO
DATA SCIENCES INTERNATIONAL, INC.



The undersigned certifies as follows:

1. The Plan of Merger providing for the merger with and into Data Sciences International, Inc., a Minnesota corporation ("Parent"), of its wholly owned subsidiary, Transoma Medical, Inc., a Minnesota corporation ("Subsidiary") is attached as Exhibit A.
2. The number of outstanding shares of each class and series of stock of Subsidiary is 10 shares of common stock, \$.01 par value, all of which are owned by Parent.
3. The Plan of Merger has been approved by Parent under Section 302A.621 of the Minnesota Business Corporation Act.

IN WITNESS WHEREOF, the undersigned, being duly authorized on behalf of Data Sciences International, Inc., has executed this 22-day of April, 2003.

DATA SCIENCES INTERNATIONAL, INC.

By:

B.P. Brockway
Name: Brian P. Brockway

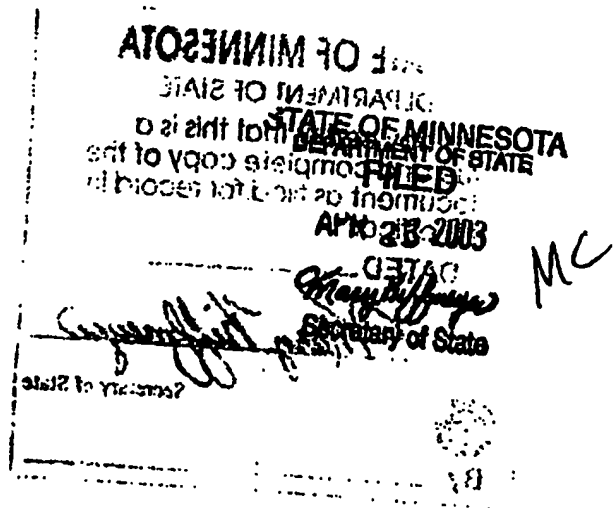
Title: President and CEO

EXHIBIT A

PLAN OF MERGER
OF
TRANSOMA MEDICAL, INC.
INTO
DATA SCIENCES INTERNATIONAL, INC.



1. The name of the subsidiary corporation is Transoma Medical, Inc.
2. The name of the parent corporation is Data Sciences International, Inc.
3. The parent corporation shall be the surviving corporation.
4. Upon the Effective Date of the merger (as defined below), the name of the parent corporation shall be changed to Transoma Medical, Inc.
5. The merger shall be effective when articles of merger with respect to the merger are filed with the Minnesota Secretary of State (the "Effective Date").
6. Upon the Effective Date, all outstanding shares of each class and series of stock of the subsidiary corporation shall be canceled, and no shares of the surviving corporation shall be issued in lieu thereof.



COPY

STATE OF MINNESOTA
DEPARTMENT OF STATE

I hereby certify that this is a
true and complete copy of the
document as filed for record in
this office.

DATED April 23, 2003

Mary Hoffmeyer

Secretary of State



By

D. Mike Cullen